

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Devona Tyson,)	Case No. 6:24-cv-01693-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Resurgent Capital Services, L.P.,)	
)	
Defendant.)	
<hr style="width: 40%; margin-left: 0;"/>)	

This matter is before the Court upon Plaintiff's complaint alleging violations of the Fair Debt Collection Act. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On October 4, 2024, Defendant filed a motion for summary judgment. ECF No. 16. On October 8, 2024, Plaintiff filed a motion for summary judgment; Defendant then filed a motion to strike Plaintiff's motion for summary judgment. ECF Nos. 20, 22. On January 29, 2025, the Magistrate Judge issued a Report recommending that Defendant's motion for summary judgment be granted, that Plaintiff's motion for summary judgment be denied, and that Defendant's motion to strike be denied as moot. ECF No. 26. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. Plaintiff has not filed objections to the Report and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation. Defendant’s motion for summary judgment [16] is **GRANTED**, Plaintiff’s motion for summary judgment [20] is **DENIED**, and Defendant’s motion to strike [22] is **DENIED as MOOT**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

April 11, 2025
Spartanburg, South Carolina